

ORDINANCE NO. 09-74

ORDINANCE REZONING FROM R-O (RESIDENTIAL OFFICE DISTRICT) TO OPS (OFFICE AND PROFESSIONAL SERVICES DISTRICT) ACCORDING TO THE SITE PLAN PREPARED BY ARCHITECT PEDRO R. GOMEZ AND SUBMITTED WITH THE APPLICATION, AND GRANTING A VARIANCE PERMIT TO ALLOW A 20% PERVIOUS AREA, WHERE A MINIMUM OF 30% LAWN (PERVIOUS) AREA IS REQUIRED, CONTRA TO HIALEAH CODE § 98-2231(a). **PROPERTY LOCATED AT 1041 EAST 8 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 26, 2009, recommended approval of this ordinance; and

WHEREAS, Petitioner proffers to complete construction of all the improvements proposed in the site plan within 24 months from the adoption of this ordinance, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby rezoned from RO (Residential Office District) to OPS (Office and Professional Services District) according to the site plan prepared by Architect Pedro R. Gomez and submitted with the application, and is hereby granted a variance permit to allow a 20% pervious area, where a minimum 30% lawn (pervious) area is required, contra to Hialeah Code § 98-2231(a), which provides in pertinent part: "Required landscaping [shall be] installed according to this Code and the latest edition of the Miami-Dade County Landscape Manual as modified

and supplemented by the city landscape manual.” Property located at 1041 East 8 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 27, IN BLOCK 27, OF SUN-TAN VILLAGE
SECTION 4, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 50, PAGE 24, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

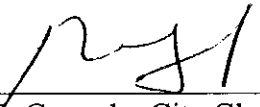
PASSED and ADOPTED this 22nd day of September, 2009.

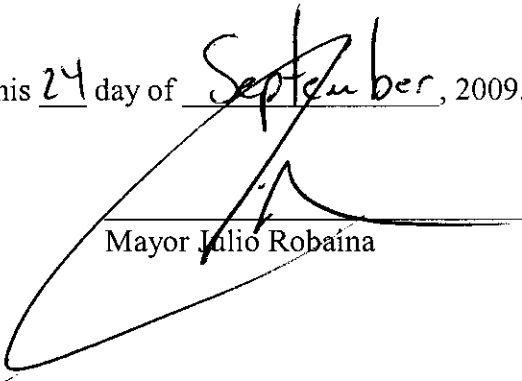
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Carlos Hernandez
Council President

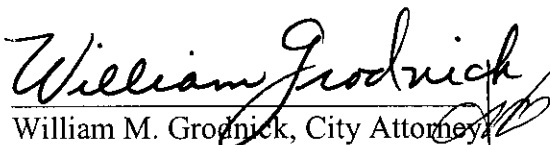
Attest:

Approved on this 24 day of September, 2009.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Gonzalez, Hernandez, Yedra voting "Yes" and Councilmember Garcia-Martinez absent.